

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

RAYMOND HERBST, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 4:07CV851 CDP
	)	
W.L. GORE & ASSOCIATES, INC.,	)	
	)	
Defendant.	)	

**ORDER AND MEMORANDUM**


Defendant removed this case on April 27, 2007, asserting as its basis for removal jurisdiction that there is diversity of citizenship under 28 U.S.C. § 1332. The notice of removal does not sufficiently allege diversity, however, because defendant alleges only that it is incorporated in the state of Delaware. Corporations have dual citizenship, and the notice of removal does not allege the defendant's principal place of business, so diversity does not appear on the face of the notice. I also note that the notice says the case is being removed to the Southern District of Illinois, which I assume is simply a mistake. The lack of sufficient citizenship allegations, however, is a substantive error that affects whether this court can exercise jurisdiction.

Accordingly,

**IT IS HEREBY ORDERED** that defendant shall forthwith file an amended

notice of removal properly alleging its corporate citizenship, or this case will be summarily remanded to the state court from which it was removed.

**IT IS FURTHER ORDERED** that the motions to appear pro hac vice of attorneys Fiona A. Burke [#5] and John N. Scholnick [#6] are granted.

  
\_\_\_\_\_  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 1st day of May, 2007.